REMARKS

Applicant respectfully thanks the Office for the indication that claims 3, 11 and 20 are merely objected as depending upon a rejected base claim, but are otherwise allowable.

Applicant respectfully thanks the Office for the indication that Applicant's previous arguments were persuasive, resulting in the withdrawal of the previous rejections of the claims. However, all of the previously rejected claims still stand rejected based on new prior art. Particularly, claims 1, 2, 4, 9, 10, 12, 15 and 16 stand rejected under 35 U.S.C. §103(a) as unpatentable over Bork in view of Husher, claims 5-7, 13, 14, 17 and 18 stand rejected as obvious over Bork and Husher and further in view of Jacobsen; claims 8 and 19 stand rejected as obvious over Bork, Husher and Jacobsen and further in view of Bynek; and claim 21 stands rejected as obvious over Bork and Husher and further in view of Pearce.

Husher is the newly cited reference in the latest Office Action. The remaining prior art references have been fully covered in the previous Office Actions and responses thereto. Accordingly, Applicant will herein discuss only the Husher reference. The basic rejection of claims 1, 2, 4, 9, 10, 12, 15 and 16 over Bork in view of Husher essentially are based on the reasoning that Bork discloses all of the limitations of these claims, except for the claim recitation that the unsafe condition comprises another device being within a certain distance and in a certain direction relative to the first device. The Office asserts that

Husher discloses that an unsafe condition comprises another device being within a certain distance and in a certain direction of the first device and that it is obvious that two electric devices can be designed or programmed in different ways for purposes of providing an alert depending on the purpose of use. The Office, therefore, concluded that it would be obvious to modify Bork's system to detect an unsafe condition when another device is within a certain distance and in a certain direction of the first device such as to provide safety and collision avoidance between objects, as taught by Husher.

Applicant respectfully traverses.

Husher discloses a collision avoidance system for use, for example, among a plurality of trucks. Each truck includes a transponder that transmits information to all other transponders of all the other trucks from which a collision avoidance system can determine heading, direction and bearing of the other trucks. Each unit transmits such information and receives such information from the other units.

Husher operates on a completely different paradigm than the GPS-based paradigm of the present invention and the Bork reference. Particularly, in Husher, each transponder has a dedicated time slot within which to transmit its information. The other units can determine which unit the information is coming from based on the time slot. All of the units synchronize through a synchronization signal broadcast from a stationary reference point. Each transponding module has an RF processing unit with a multi-element multi-directional antenna dedicated for receiving. The RF processing unit listens to the

reference timing signal and subsequently the emissions of all the other transponder modules in the system. The incoming signals from other transponder modules can arrive at more than one of the antenna signals during the time splice, the direction of the other transponder modules to be interpolated by measuring the signal strength of each of the receiving antenna segments. The range or distance to the other transponder modules is determined by the signal strength of the other signal emissions.

This is completely different than the system of the present invention.

Given the significant difference between the peer-to-peer time slot based operation of Husher and the GPS-based operation of Bork and further in view of the lengthy discussions of all of the other prior art references in previous Office Actions and responses thereto, there are only two issues to discuss in connection with the present Office Action. They are (1) whether Husher teaches that for which it has been cited, i.e., issuing a warning signal based on proximity and direction; and (2) whether there is a suggestion in the prior art to combine that feature of Husher with Bork.

The answer to both questions is no.

The present invention involves the use of GPS technology, electronic compass technology, and wireless communication technology in a hunting environment to prevent hunters from discharging their firearms when the firearm is pointing in the direction of another hunter who is within an unsafe distance from the first hunter[1]. Applicant freely admits that it has not invented any of the

[1] Note that the direction in the present invention is a direction relative to the orientation of the device, not a generic direction, such as North. Applicant has amended the claims to more

fundamental technologies used in the device and method of the present invention, but has merely combined existing technology to provide a new and useful safety system for use in connection with hunting-type activities.

Husher does not disclose the two conditions for issuing an indication of an unsafe condition that are so vital to the hunting type of activity. Applicant does not dispute that the transponder module of Husher determines the direction and distance to other transponder modules. However, that is not the question. Bork already discloses such features. The question is whether Husher issues a warning signal when another transponder is within a certain distance and in a certain direction.

It does not. The relevant disclosure in Husher is found in column 3, lines 47-56, where it states:

> It can detect any unusual change in the parameters and display an appropriate indication to the operator of the "vehicle." For example, this capability allows for alerting the operator if another vehicle has approached so closely that it is in a "shadow" zone and cannot be continuously monitored by the system due to signal blockage. In such a case, a high level alarm is activated to draw the operator's attention to this hazard, and the last known position and direction are indicated.

This portion of the specification discloses that the only condition for indicating an unsafe condition is proximity. Although the transponder module obviously knows the direction to the other vehicle and displays

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expressly recite that the direction is referenced to the orientation of the device. However, this change is for the purpose of improving the form of the claims and does not relate to patentability since none of the prior art of record teaches using any form of direction, be it a generic direction or a direction referenced to the device's orientation, as a condition for issuing a warning, and, thus, the claims still would distinguish over the prior art even if they recited a generic direction).

that direction, it quite clearly states that the condition for issuing the warning is merely proximity and not direction.

In fact, direction is largely irrelevant in the truck traffic environment, in any event. Perhaps the combination of the bearing (the direction in which the other truck is moving) and the direction of the other truck might be useful in determining if an unsafe condition exists, but not direction by itself. However, the issue of whether or not bearing might be useful information in Husher is irrelevant as it is merely hindsight speculation since, as just mentioned, Husher does not disclose using either direction or bearing as a condition in issuing a warning. Husher discloses only using proximity as a condition for issuing a warning.

The alternative embodiments of the invention disclosed in Husher (for instance, in column 6, line 27 through column 7, line 19) are essentially irrelevant. Accordingly, nowhere in Husher does it disclose that for which Husher has been cited. Accordingly, Applicant maintains that the present invention still distinguishes over the prior art of record for the reasons discussed in the response to the previous Office Action. Particularly, no prior art discloses a key feature crucial to making the system useful for hunting-type activities, namely, issuing a warning and/or disabling the firing mechanism of a firearm when it is determined that another unit is both within a predefined distance and in a predetermined direction relative to the first unit.

Referring now to the specific claim language, Applicant has, in fact, herein amended claim 1 to broaden it because no prior art reference of record

discloses using direction for issuing a warning, regardless of whether distance/proximity is a second condition for issuing a warning. Applicant has added new claim 22, which depends from claim 1 to add back in the proximity limitation that has been removed from the independent claim. In any event, the prior art of record does not teach "said unsafe condition comprising another of said devices being in a certain direction relative to said orientation of said device" (independent claim 1).

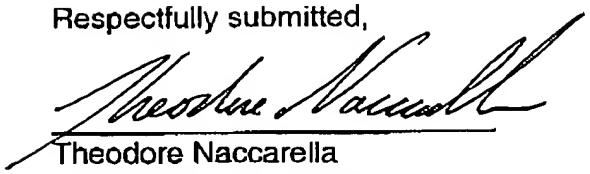
Independent claim 9 recites that the warning condition is "another of said devices being within a certain distance and in a certain direction relative to said orientation of said apparatus".

All other claims depend from one of claims 1 and 9 and, therefore, distinguish over the prior art for the same reasons. As discussed in response to prior Office Actions in this application, none of the prior art references teach those elements that are lacking from Bork and Husher as discussed above.

Accordingly, all of the claims patently distinguish over the prior art of record.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,



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